

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

UNITED STATES OF AMERICA, *
Plaintiff,

*

v. *

*

5 JENKINS ROAD * CIVIL NO. L-02-3697
CHESAPEAKE CITY, MD
Defendant

*

And

*

WAYNE M. BYERLY
Claimant

*

And

*

GMAC MORTGAGE CORPORATION, *
Claimant.

*

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**WAYNE M. BYERLY'S OPPOSITION
TO MOTION FOR SUMMARY JUDGMENT**

Wayne M. Bylery, Defendant, by undersigned counsel, in Opposition to the Government's Motion for Summary Judgment represents:

1. That the forfeiture of the subject property violates the Excessive Fines Clause of the Eight Amendment.

2. That the grounds and authority of this Opposition is more fully set forth in the attached Memorandum.

/s/ C. Thomas Brown
C. Thomas Brown
205 East Main Street
Elkton, Maryland 21921
(410) 398-3850

Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 28, 2004 that a copy of the foregoing was sent via electronic mail and by first class mail, postage prepaid to Richard C. Kay, Esquire, Assistant United States Attorney, United States Courthouse, 101 W. Lombard Street, Baltimore, MD 21202.

/s/ C. Thomas Brown
C. Thomas Brown